UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:13-cv-10365-FDS

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THOMAS LEGG, JR. LORI LEGG-WILLIAMS

Plaintiff(s), : MDL No. 2419

: Master Docket No. 1:13-md-2419-FDS

v. : Honorable F. Dennis Saylor

. Honorable F. Dennis Saylor

UNIFIRST CORPORATION, A/D/B/A : UNICLEAN CLEANROOM :

SERVICES : <u>DEMAND FOR JURY TRIAL</u>

Defendant. :

CORRECTED SHORT FORM COMPLAINT AGAINST UNAFFILIATED DEFENDANTS

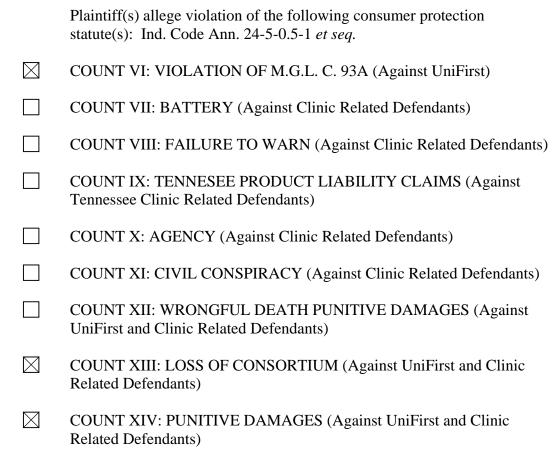
Plaintiffs, Thomas Legg, Jr. and Lori Legg-Williams, complaining against the Defendant, allege as follows:

FIRST COUNT

- 1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto.
 - 2. Plaintiff Thomas Legg, Jr. is a resident of the State of Indiana.
 - 3. Plaintiff brings this action:

On behalf of herself/himself.	
As the representative of	, who is a living person

As the Administrator, Administrator and Prosequendum, or other representative of the Estate	
of (hereinafter "Decedent"), who died on	
4. Additionally, Lori Legg-Williams is the:	
∑ Spouse	
Child/Children	
Other (Set forth)	
of Thomas Legg, Jr., is a resident of the State of Indiana, and is hereby named as an additional	
plaintiff, and claims damages.	
5. Plaintiff Thomas Legg, Jr. asserts that he was administered New England	
Compounding Pharmacy, Inc. ("NECC") drug methylprednisolone acetate (hereinafter referred	
to as "NECC drug"), causing injuries and damages.	
6. The aforesaid administration of the NECC drug occurred on: August 13, 2012,	
August 27, 2012 and September 19, 2012, by David Beatty, M.D., at ASC Surgical Ventures,	
LLC d/b/a O.S.M.C. Outpatient Surgery Center (hereinafter "O.S.M.C."), located in Elkhart,	
Indiana.	
7. Plaintiffs adopt and incorporate by reference the following Causes of Action	
asserted against the Defendants in the Master Complaint:	
COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)	
COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)	
COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)	



8. Plaintiffs have sent or served the pre-suit notice or demand requirements necessary to bring the claims set forth below, as required under M.G.L.C. 93A. See attached demand letter sent on December 18, 2013, pursuant to Massachusetts General Laws, Chapter 93A, § 9. Plaintiffs do not now assert but will seek leave to amend to assert the following claims promptly after the time period for giving notice has expired:

Count VI

- 9. Plaintiff Thomas Legg, Jr. claims to have suffered the following injuries as a result of the administration of NECC's drug: developed fungal based meningitis-type symptoms.
- 10. Plaintiff Lori Legg-Williams claims to have suffered the following injuries as a result of the administration of NECC's drug: loss of consortium.

WHEREFORE, Plaintiffs demand Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiffs reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

JURY DEMAND

Plaintiffs hereby demand a trial by jury.

Respectfully submitted:

PRICE WAICUKAUSKI & RILEY, LLC

/s/ Jamie R. Kendall

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Counsel for Plaintiffs

Date: <u>December 20, 2013</u>

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 2013, I caused a copy of the above Corrected Short Form Complaint Against Unaffiliated Defendants to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/s/ Jamie R. Kendall Jamie R. Kendall